



CASE HL/95-22115/A/PCT/CONT

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lynn Girolamo
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Lynn Girolamo
Signature

10/29/04
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Group Art Unit: 1621

PAUL ADRIAAN VAN DER SCHAAF ET AL

Examiner: S. A. Barts

APPLICATION NO: 10/736,195

FILED: DECEMBER 15, 2003

FOR: POLYMORPHIC FORMS OF SERTRALINE
HYDROCHLORIDE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION (37 CFR 1.321(C))**

Sir:

I, Kevin T. Mansfield, represent that I am the agent of record for this invention.

Ciba Specialty Chemicals Corporation, a corporation organized and existing under the laws of the State of Delaware, represents that it is the assignee of the entire interest in the above-identified application by virtue of an assignment from the inventors which was recorded in the United States Patent and Trademark Office on 12/13/02 at Reel 013592/Frame 0011.

Ciba Specialty Chemicals Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend

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beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on copending Application No. 10/111,917 filed 4/26/02, the application forming the basis of the double patenting rejection.


Said Application No. 10/111,917 is also entirely assigned to Ciba Specialty Chemicals Corporation by virtue of the above-mentioned assignment from the inventors which was recorded in the United States Patent and Trademark Office on 12/13/02 at Reel 013592/Frame 0011.

Ciba Specialty Chemicals Corporation further agrees that any patent so granted on the above-identified application shall be enforceable only during such period as the legal title to said patent shall be the same as the legal title to the U.S. Patent to issue on Application No. 10/111,917, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on Application No. 10/111,917, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Signed at Tarrytown, New York, this *29th* day of October, 2004.

By:


Kevin T. Mansfield
Registration No. 31,635
Agent of Record

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